

EXHIBIT 10

MEMORANDUM

To: Council of the Section of Legal Education and Admissions to the Bar

From: Dean Art Gaudio, Chair, Questionnaire Committee

Re: Report on Reporting of Law School Placement Data

Date: May 28, 2011

As I reported to you in my Memorandum dated March 8, 2011, during the past year the Questionnaire Committee has been engaged in an extensive process to determine whether more information should be obtained from law schools regarding placement of graduates and made available to readers of the Official Guide. At that time I also reported to you on our ideas regarding what information should be obtained, how to obtain it, and how to provide it in the Official Guide. I am now presenting to you the Committee's final recommendations, which are substantially the same as I reported at that time.

Our objective in selecting, obtaining, and providing these data are several-fold: (1) to provide correct and complete data (a) to law school applicants to assist them in making decisions on whether to go to law school and, if so, which school to attend, and (b) to current law students and recent graduates to assist them in making job decisions; and (2) to obtain and provide this information in a way that will require the least amount of additional, unnecessary effort by law schools, particularly in their career services offices.

In conceptualizing this plan, we propose to “unbundle” job data from salary data and deal with them in two different ways. Our recommendation is to obtain and provide school specific job data, but to use state-wide aggregated salary data of recently hired law school graduates.

Job Data

As to the job data, our recommendation is to provide information regarding:

- job status -- employed in a job requiring a JD, in a job for which a JD is preferred, in another professional job, in a non-professional job, or in a job of unknown type; pursuing a graduate degree; unemployed – not seeking or unemployed – seeking; and status unknown. We will also provide information as to whether any of the above jobs are funded by the law school or university).
- type of job -- law firms of various sizes; business and industry; government; public interest; judicial clerkships; academia; and employment type unknown.
- employment location -- the three main states where graduates are employed and the number employed in each of those states; and number employed internationally.

Within each of these categories, where appropriate, we also plan to provide data on how many of the jobs are full-time and part-time, as well as information on how many are long-term and short-term. Providing this information about each school in a proscribed format will enable a prospective law student to assess his or her placement potential at each law school at which the applicant is considering application. (Please see the attached form, which shows, in a spreadsheet format, how this data will be presented on the law school pages in the Official Guide.)

In order to populate the data fields for each school we will need to obtain the appropriate information from each school. Currently the National Association for Law

Placement (NALP) works with the career services offices of almost all law schools¹ to administer a survey to law school graduates of the prior year. That survey provides information about each graduate's employment status as of nine months after graduation. Since most law students graduate in May of each year, the survey for each year is due in mid-February of the following year. After NALP obtains the surveys from the respective law schools, it works with the career services offices at those schools to correct any data collection errors and then tabulates the data. By the following June, NALP provides a report to each law school on the placement status of those graduates.

Although the questions asked by NALP on the survey are quite thorough, the information it currently reports to law schools is not a complete reflection of the available data. Since our proposal depends on a much more robust set of data, we have asked NALP to provide an "enhanced" report with data that is sufficient to populate the fields in our proposed reporting form. They have indicated that such a report is possible and have already developed a test sample.

By using these "enhanced" reports provided by NALP to the law schools, we will be able to use the same data that law schools provided to NALP. This will avoid unnecessary and duplicative collection of data and save personnel time and effort in the various law school career service offices. It will also avoid the potential of unwittingly creating divergent information, and the confusion that would result therefrom, if the two organizations (NALP and ABA) were to use different collection processes.

The format of the test sample report that NALP has developed is a printed one and contains data in the fields that the school will have to report on the annual ABA Questionnaire. If that printed format is used, someone in a law school's career services office will have to transcribe the information into the Annual Questionnaire. Although that transcription is not too long and arduous, being a transcription it might lead to error. Consequently, NALP will work with the ABA Data Specialist to provide the data to the law schools in an electronic format. If implemented electronically, data can simply be uploaded through an automated process from each school directly into the Section's web-based Annual Questionnaire.

¹ NALP has informed us that only three law schools do not participate in this survey.

Salary Data

The other half of the “unbundled” placement information involves salary data. Although we might obtain and publish school specific salary data, we believe for several reasons, that it provides limited and perhaps confusing information for prospective students.

First of all, the reporting of salary information by graduates is less than complete. This is due to several reasons. First of all, there is a group of graduates who do not respond to the survey at all – those whose status is reported as “unknown.” Consequently, their salary information is not available.

More significantly, however, a substantial portion of those graduates who do report job information do not report salary information. We have been informed that this group may be as large as 50%. Furthermore, those graduates who do report salary data tend to be skewed toward the upper end of the salary spectrum – while graduates at the top end of the spectrum may be “proud” of their salaries and report them on the survey, those at the lower end of the spectrum are not as transparent and tend not to report their salaries. From testimony at our hearings, we understand that for any individual school this may result in an upward skewing of the overall average salary of that school by as much as 20%.

Finally, to assure confidentiality to the graduates, NALP does not report salary data to a school in any particular field if there are less than five data entries (i.e. graduates) in that field. Since the information we are seeking to obtain is quite “granular,” the likelihood that some salary fields for any particular school will have less than five data entries is high, especially at smaller schools.

Instead of reporting school-specific salary data, under our proposal NALP will provide the ABA with aggregated state-wide salary data for each field on our reporting form. Thus, for example, information could be provided about starting salaries at law firms with two to ten lawyers at the 25th, 50th, and 75th percentiles in any particular state. The source of that aggregated data would be graduates from *all* ABA approved law schools who have jobs in the particular state and not just the graduates from a particular law school who have jobs in that state. As a result, in all but the smallest of states, the

reporting of this data would not be hindered by not having sufficient data entries in a particular field. Even though a particular school might not have five reporting graduates in any particular field, the number of graduates reporting from *all* law schools will be sufficient to populate a given field in almost all states.

Furthermore, by avoiding the reporting of a school specific average, this approach is less subject to the upward skewing phenomenon described above. That phenomenon occurs in school specific averages when there is insufficient data in lower salaried job fields to provide averaging data.²

By combining the school specific job data with the aggregate state-wide salary data, a prospective law student will be able to obtain a good picture of employment and salary prospects at any particular school. For example, the school specific job data information might disclose that a high portion of the school's graduates obtain jobs at law firms of a particular size. Furthermore, the school specific job data would also reveal that most of the school's graduates obtain employment in State #1, State #2, and State #3. The prospective student could then look up in the aggregated salary charts information at the 25th, 50th, and 75th percentiles of starting salaries in firms of that size in those three states.

Further Issues

A further issue that the Questionnaire Committee is pursuing is how to assure that information entered in the NALP survey is accurate. In part, this might be done by improving the clarity of some of the questions asked on the NALP survey. We will be working with NALP to identify and clarify those questions. In fact, I have already had some discussions on the importance of this issue with Jim Leipold, the Executive Director of NALP.

² It should be noted that a subcommittee of the Standards Review Committee is considering requesting the schools to supply school specific salary data. The early, very tentative draft of this subcommittee would combine school specific salary data with the school specific job data described above, and both would be reported by the school on its website.

A further step that we might take to assure that correct information is entered into the survey would focus on the entry of that data into the survey. Although the survey is of individual graduates, the information is often entered into the survey by someone in a law school's career services office. Since inputting the data is subject to manipulation, we have some concern that incorrect or advantageous data might be entered. Although suggestions have been forthcoming from a number of interested persons, our ideas in this regard are far from being fully developed. Nevertheless, and merely as an example of a possible response, the ABA might require that annually or at the time of the sabbatical site visit there be random audits of placement data submitted in the annual surveys. If performed at the time of the site visit, these audits might be "informal" and performed by a member of the site team. We have serious concerns, however, with the ability of a site team member to perform this function in the context of a site visit. An alternative might be to require schools, on a random basis, to provide a more "formal" audit performed by a CPA firm of their placement survey responses. These random audits could be performed annually or at the time of the site visit. Obviously, this would involve greater expense and we would have to look at ways that the expense could be minimized and distributed among law schools, whether they are audited or not. Finally, there may be other methods of performing such an audit, or an alternative to it; we will consider them also.

Questionnaire Committee Placement Data					
Employment Status	Number	Full Time Long/Short	Part Time Long/Short	Explanation	
Employed - bar passage req'd	##/%	##/##	##/##	## = number for cell; % = percent of total graduates	
Employed - JD preferred	##/%	##/##	##/##		
Employed - other professional	##/%	##/##	##/##		
Employed - non-professional	##/%	##/##	##/##		
Employed - job type unknown	##/%	##/##	##/##		
Pursuing graduate degree FT	##/%				
Unemployed - not seeking	##/%				
Unemployed - seeking	##/%				
Employment status unknown	##/%				
Total graduates	##/100%				
Jobs in this line will be included in one of the "Employed" lines above					
Of employed - # law school funded	##	##/##	##/##		
Employment Type	Number	Full Time Long/Short	Part Time Long/Short		
Law firms	##	##/##	##/##		
Solo	##	##/##	##/##		
2-10	##	##/##	##/##		
11-25	##	##/##	##/##		
26-50	##	##/##	##/##		
51-100	##	##/##	##/##		
101-250	##	##/##	##/##		
251-500	##	##/##	##/##		
501+	##	##/##	##/##		
Unknown	##	##/##	##/##		
Business & industry	##	##/##	##/##		
Government	##	##/##	##/##		
Pub. Int. (inc. Pub. Def.)	##	##/##	##/##		
Judicial clerkships	##	##/##	##/##		
Federal	##	##/##	##/##		
State & local	##	##/##	##/##		
Academia	##	##/##	##/##		
Employer type unknown	##	##/##	##/##		
Total	##	##/##	##/##		
Employment Location					
# in 3 main employ't states	st1/##	st2/##	st3/##		
# employed in foreign country	##				
st1 = state in which largest # employed; st2 = second largest; st3 = third largest					